

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
7:12-MJ-1133

UNITED STATES OF AMERICA)	
)	
v.)	ORDER OF DETENTION PENDING
)	TRIAL
RENE CABRERA-CABRERA,)	
)	
Defendant.)	

This case came before the court today for hearing on the government's motion, pursuant to 18 U.S.C. § 3142(f), to detain defendant pending trial.¹ The government presented the testimony of an agent with Immigration and Customs Enforcement. The defendant did not present any witnesses. The court also reviewed the pretrial services report. After careful consideration pursuant to 18 U.S.C. § 3142(g) of the credible information and argument submitted, and based on the findings and reasons stated below and in open court, the court finds by a preponderance of the evidence that there is no condition or combination of conditions that will reasonably assure defendant's appearance as required. The government's motion is therefore GRANTED.

Background

Defendant was charged by criminal complaint on 11 June 2012 with reentry of a deported alien subsequent to a felony conviction in violation of 8 U.S.C. § 1326(a) & (b)(1). The alleged offense date is 6 June 2012.

The evidence presented at the hearing showed that authorities effected a traffic stop of defendant on the alleged offense date. He admitted that he was a citizen of Mexico and re-

¹ With consent of counsel, the detention hearing was combined with the preliminary hearing in this case. Prior to reaching the issue of detention, the court ruled that the government had established probable cause for the charges against defendant.

entered the United States without applying for re-admission after having been deported subsequent to a felony conviction. ICE records confirm these facts.

Discussion

The principal findings and reasons underlying the court's determination that detention is required include the following: evidence showing that the government has a strong case, including the evidence reviewed above; the immigration-related nature of the offense charged; defendant's status as a citizen of another country illegally in the United States; defendant's criminal record, including 2 felony convictions, 21 misdemeanor convictions, and multiple failures to appear; the prospect defendant faces of extended imprisonment followed by deportation, if convicted; and the other findings and reasons stated in open court. The court considered evidence offered as mitigating, such as the presence of family members of defendant in the area, but finds that the factors favoring detention strongly outweigh such evidence.

Conclusion

IT IS THEREFORE ORDERED that defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

This, the 15th day of June 2012.



James E. Gates
United States Magistrate Judge